

# ACT No. V OF 1929.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 29th  
March, 1929.)

## An Act further to amend the Workmen's Compensation Act, 1923, for certain purposes.

**W**HEREAS it is expedient further to amend the Workmen's Compensation Act, 1923, for certain purposes hereinafter appearing; It is hereby enacted as follows:—

VIII of 1923.

**1.** This Act may be called the Workmen's Compensation Short title.  
(Amendment) Act, 1929.

VIII of 1923.

**2.** In the proviso to sub-section (1) of section 3 of the Amendment of section 3, Act VIII of 1923.  
Workmen's Compensation Act, 1923 (hereinafter referred to as the said Act), the word "or" at the end of clause (b) and the whole of clause (c) shall be omitted.

**3.** (1) Section 5 of the said Act shall be re-numbered as Amendment of section 5, Act VIII of 1923.  
sub-section (1) of section 5, and in that sub-section as so re-numbered, in the *Explanation*, for the words "this section" the words "this sub-section" shall be substituted.

(2) To the same section as so re-numbered the following sub-section shall be added, namely:—

"(2) The provisions of sub-section (1), other than the proviso, shall apply to the calculation of wages for the purposes of clause (n) of sub-section (1) of section 2 and of sub-section (3) of that section."

**4.** In section 8 of the said Act,—

Amendment of section 8, Act VIII of 1923.

(a) for sub-sections (1) to (3) the following sub-sections shall be substituted, namely:—

"(1) No payment of compensation in respect of a workman whose injury has resulted in death, and no payment of a lump sum as compensation to a woman or a person under a legal disability, shall be made otherwise than by deposit with the Commissioner, and no such payment made directly  
by

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by an employer shall be deemed to be a payment of compensation :

Provided that, in the case of a deceased workman,—

- (a) an employer may make to any dependant or other person, by whom the funeral expenses are to be or have been incurred, an advance not exceeding fifty rupees for the purpose of defraying the same in whole or in part, and may make other advances to dependants on account of compensation, not exceeding however an aggregate of one hundred rupees in the case of any one dependant;
- (b) the amount of any advance made in accordance with the provisions of clause (a) to defray funeral expenses may be deducted by the employer from the lump sum to be deposited with the Commissioner, and the amount of any other advance so made to a dependant, or so much thereof as does not exceed the compensation apportioned to him, shall be deducted by the Commissioner from such compensation and be repaid to the employer.
- (2) Any other sum amounting to not less than ten rupees which is payable as compensation may be deposited with the Commissioner on behalf of the person entitled thereto.
- (3) The receipt of the Commissioner shall be a sufficient discharge in respect of any compensation deposited with him.”;
- (b) in sub-section (4), after the words “ under sub-section (1) ” the words “ as compensation in respect of a deceased workman ” shall be inserted; and after the words “ fifty rupees ” the following words shall be inserted, namely:—  
“ or so much of that cost or of fifty rupees, whichever is less, as has not already been advanced by the employer on account of such expenses ”;
- (c) for sub-section (5) the following sub-sections shall be substituted, namely:—  
“ (5) Compensation deposited in respect of a deceased workman shall, subject to any deduction made under sub-section (4), be apportioned among the dependants

dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may, in the discretion of the Commissioner, be allotted to any one dependant.

(6) Where any compensation deposited with the Commissioner is payable to any person, the Commissioner shall, if the person to whom the compensation is payable is not a woman or a person under a legal disability, and may, in other cases, pay the money to the person entitled thereto.

(7) Where any lump sum deposited with the Commissioner is payable to a woman or a person under a legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman, or of such person during his disability, in such manner as the Commissioner may direct; and where a half-monthly payment is payable to any person under a legal disability, the Commissioner may, of his own motion or on an application made to him in this behalf, order that the payment be made during the disability to any dependant of the workman or to any other person whom the Commissioner thinks best fitted to provide for the welfare of the workman"; and

(d) sub-section (6) shall be re-numbered as sub-section (8) and after that sub-section the following sub-section shall be added, namely:—

“(9) Where the Commissioner varies any order under sub-section (8) by reason of the fact that payment of compensation to any person has been obtained by fraud, impersonation or other improper means, any amount so paid to or on behalf of such person may be recovered in the manner hereinafter provided in section 31.”

5. To section 23 of the said Act after the words “ material objects ” the following words shall be added, namely:—

Amendment  
section 23, Act  
VIII of 1923.

“ and the Commissioner shall be deemed to be a Civil Court for all the purposes of section 195 and of Chapter XXXV of the Code of Criminal Procedure, 1898.”

6. In

*Workmen's Compensation (Amendment).* [ACT V OF 1929.]

6. In sub-section (1) of section 28 of the said Act,—

Amendment of  
section 28, Act  
VIII of 1923.

- (a) for the words "to a person under a legal disability" the words "to a woman or a person under a legal disability" shall be substituted;
- (b) clause (b) of the proviso shall be omitted; and
- (c) in clause (d), for the words "to a person under any legal disability" the words "to a woman or a person under a legal disability" shall be substituted.

7. In Schedule II to the said Act,—

Amendment of  
Schedule II, Act  
VIII of 1923.

(1) for clause (v) the following clause shall be substituted, namely:—

"(v) employed for the purpose of loading, unloading, fuelling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or a member of the crew; or";

(2) in clause (vii), for the word "cable" the words "line or cable or post or standard for the same" shall be substituted; and

(3) after clause (ix) the following clauses shall be added, namely:—

"or

(x) employed upon a railway as defined in clause (4) of section 3, and sub-section (1) of section 148. of the Indian Railways Act, 1890, by a person fulfilling a contract with the railway administration; or

(xi) employed as an inspector, mail guard, sorter or van peon in the Railway Mail Service; or

(xii) employed, in connection with operations for winning natural petroleum or natural gas, as a rig-builder, driller, driller's helper, oil-well puller, or in bailing or cleaning oil-wells or putting in and taking out casings or drill pipes in oil wells; or

(xiii) employed in any occupation involving blasting operations."

8. In Schedule IV to the said Act, for the words and letters "clause (a) or clause (b)" the word and figure "sub-section (1)" shall be substituted.

Amendment of  
Schedule IV,  
Act VIII of  
1923.

IX of 1890.